

THE IDAHO PUBLIC UTILITIES COMMISSION--AGENCY 31**TITLE 21****CHAPTER 1****CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC
AND WATER PUBLIC UTILITIES****REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION
(THE UTILITY CUSTOMER RELATIONS RULES)****IDAPA 31.21.01****TABLE OF CONTENTS**

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RULES 0 THROUGH 099 – INTRODUCTION**000. LEGAL AUTHORITY (Rule 0).**

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code. (7-1-93)

Statutory Reference: *Idaho Code* §§ 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520.

001. TITLE AND SCOPE (Rule 1).

The name of this chapter is Customer Relations Rules for Gas, Electric and Water Public Utilities Regulated by the Idaho Public Utilities Commission (the Utility Customer Relations Rules). This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between utilities and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, and complaints to utilities. (7-1-93)

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (Rule 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. In addition to these explanatory comments, the director of the Commission's consumer assistance staff has issued interpretive guidelines that are available by contacting the director of the consumer assistance staff in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300. (7-1-93)

003. ADMINISTRATIVE APPEALS (Rule 3).

This rule governs consideration of exemptions and complaints under these rules. Any person requesting and receiving an informal staff determination with regard to an exemption or complaint may formally or informally request the Commission to review the Staff's determination. (7-1-93)

01. Exemptions from Rules. Rule 9 authorizes persons or utilities to request exemptions from these rules. This paragraph governs procedure for requests for exemptions. (7-1-93)

a. Any applicant, customer or utility may informally request an exemption from any provision of these rules for a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)

b. Any applicant, customer or utility may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

c. Any utility requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

02. Complaints. Rule 402 authorizes persons or utilities to file complaints under these rules. This paragraph governs procedure for filing complaints under these rules. (7-1-93)

a. Any applicant, customer or utility may file an informal complaint under any provision of these rules concerning a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)

b. Any applicant, customer or utility may file a formal complaint under these rules with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

Cross References: Rule 009, 402; IDAPA 31.01.01.000

004. PUBLIC RECORDS ACT COMPLIANCE (Rule 4).

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning public utilities' compliance with the requirements of the Public Utilities Act and this Commission's rules and orders

are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning public utilities' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

005. DEFINITIONS (Rule 5).

The following definitions are used in this title and chapter: (7-1-93)

01. Applicant. Unless restricted by definition within a rule or group of rules to a particular class of service, "applicant" means any potential customer who applies for service from a utility. Utilities may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (3-20-04)

02. Customer. Unless restricted by definition within a rule or group of rules to a particular class of customer, "customer" means any person who has applied for, has been accepted by the utility, and is: (3-20-04)

a. Receiving service from a utility; or (7-1-93)

b. Has received service within the past ten (10) calendar days prior to termination by the utility; or (3-20-04)

c. Has assumed responsibility for payment of service provided to another or others. If the person receiving service is not the same person as the person assuming responsibility for payment of service, the latter is the customer for purposes of obtaining or terminating service, receiving refunds, or making changes to the account. (3-20-04)

03. Utility. Unless restricted by definition within a rule or group of rules, "utility" means any public utility providing gas, electric or water service subject by law to the Commission's jurisdiction, whether previously certified or not. (7-1-93)

[Adopted, G.O. 177; amended, 31-2101-0301.]

Cross References: Rules 008, 100, 101, 102, 107, 200, 205, 300, 301, 306, 307, 313, 600, 605;
IDAPA 31.21.02.103; IDAPA 31.21.02.104, IDAPA 31.26.01.005.

006. CITATION (Rule 6).

The official citation of these rules is IDAPA 31.21.01.000 *et seq.* For example, this rule is cited as IDAPA 6. In documents submitted to the Commission or issued by the Commission, however, these rules may be cited by their short title of Utility Customer Relations Rules (UCRR) and the parenthetical rule number. For example, this rule may be cited as UCRR 6. (7-1-93)

007. EFFECTIVE DATE – HISTORY OF RULES (Rule 7).

The Commission has adopted predecessors to these rules beginning in 1978. They were most recently codified at IDAPA 31.C.0 through -.7. They were readopted and reformatted by rulemaking decision in docket number 31-2101-9301, effective July 1, 1993. The history of these rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. EXERCISE OF RIGHTS BY CUSTOMER (Rule 8).

No utility shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

[Adopted as Rules 1.14 and 2.13, O.N. 14123; amended and recodified, G.O. 177.]

Cross-Reference: Rule 005.

009. EXEMPTIONS FROM RULES (Rule 9).

If unusual or unreasonable hardships result from the application of any of these rules, any utility or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. (7-1-93)

[Adopted as Rules 1.13, 2.12, and 3.8, O.N. 14123; amended and recodified, G.O. 177.]

Reference to Rules of Procedure: IDAPA 31.01.01.052.

010. INFORMAL INTERPRETATION OF RULES (Rule 10).

The Commission may authorize designated staff members to make and give informal interpretations of these rules and regulations and the utility tariffs on file with the Commission, and to investigate complaints filed with this Commission. These interpretations, which do not bind the Commission, will be distributed to utilities governed by these rules and interested consumer groups and be available from the director of the Commission's consumer assistance staff. The Commission reserves to itself the authority to issue formal declaratory orders concerning interpretation of these rules and utility tariffs and to resolve formal complaints. (7-1-93)

[Adopted, G.O. 177.]

011. CONFLICT WITH UTILITY TARIFFS (Rule 11).

If a utility's tariff on file with the Commission contains provisions that deny or restrict customers' rights protected by any of these rules, these rules supersede any conflicting tariff provisions that deny or restrict any of these rights. (7-1-93)

012. -- 099. (RESERVED).**RULES 100 TO 199 – DEPOSIT PRACTICES FOR RESIDENTIAL
AND SMALL COMMERCIAL CUSTOMERS****100. FURTHER DEFINITIONS (Rule 100).**

As used in Rules 101 through 109: (7-1-93)

01. Applicant. “Applicant” is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule.

(7-1-93)

02. Customer. “Customer” is restricted from its general definition to refer to a residential or small commercial customer, unless further restricted by the rule. (7-1-93)

03. Deposit. “Deposit” means any payment held as security for future payment or performance that is reimbursable after the customer establishes good credit. (7-1-93)

04. Residential and Small Commercial Classes. The Commission will maintain on file a list of which customer classes of a given utility are residential and which are small commercial.

(7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177.]

Cross-Reference: Rules 005, 101, 102, 103, 104, 105, 106, 107, 108, 109, 300.

101. DEPOSIT REQUIREMENTS (Rule 101).

01. Residential Customers. No utility shall demand or hold a deposit from any current residential customer or applicant for residential service without proof that the customer or applicant is likely to be a credit risk or to damage the property of the utility. A lack of previous history with the utility does not, in itself, constitute such proof. A utility shall not demand or hold a deposit under this rule as a condition of service from a residential customer or applicant unless one or more of the following criteria applies: (5-3-03)

a. The customer or applicant has outstanding a prior residential service account with the utility that accrued within the last four (4) years and at the time of application for service remains unpaid and not in dispute. (5-3-03)

b. The customer’s or applicant’s service from the utility has been terminated within the last four (4) years for one (1) or more of the following reasons: (5-3-03)

i. Nonpayment of any undisputed delinquent bill; (7-1-93)

ii. Misrepresentation of the customer's or applicant's identity for the purpose of obtaining utility service; (7-1-93)

iii. Failure to reimburse the company for damages due to negligent or intentional acts of the customer; or (7-1-93)

iv. Obtaining, diverting or using service without the authorization or knowledge of the utility. (7-1-93)

c. Information provided by the applicant upon application for service is materially false or materially misrepresentative of the applicant's true status. (7-1-93)

d. The applicant did not have service with the utility for a period of at least twelve (12) consecutive months during the last four (4) years, and does not pass an objective credit screen. (5-3-03)

e. The applicant requests service at a residence where a former customer who owes a past due balance for service incurred at that location still resides. (5-3-03)

f. The utility has given the customer two (2) or more written final notices of termination within the last twelve (12) consecutive months. (5-3-03)

02. Small Commercial Customers. A utility shall not demand or hold a deposit as a condition of service from any current small commercial customer or applicant for small commercial service unless one or more of the following criteria apply: (7-1-93)

a. Any of the criteria listed in Rule Subsection 101.01 of this rule are present. (7-1-93)

b. The applicant is applying for service for the first time from that utility. (7-1-93)

03. Bankrupt Customers. If an applicant for service or a customer, either residential or small commercial, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, as amended, and, in particular, 11 USC 366, or as directed by the state court. (7-1-93)

[Adopted as Rules 1.1 and 2.1, O.N. 14123; amended and recodified, O.N. 15717; amended, G.O. 177; amended, G.O. 177B; amended, 31-2101-0201.]

Cross-Reference: Rules 005, 100, 101.01, 102, 103, 104, 105, 106, 107, 108, 109, 112, 302, 401, 601.

Federal Regulations: 11 U.S.C. § 366.

102. OTHER DEPOSIT STANDARDS PROHIBITED – RESIDENTIAL CUSTOMERS (Rule 102).

A utility shall not require a deposit or other guarantee as a condition of new or continued residential utility service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. (5-3-03)

[Adopted, O.N. 14123; amended, G.O. 177; amended, 31-2101-0201.]

Cross-Reference: Rules 005, 100, 101.

103. (RESERVED).**104. EXPLANATION FOR REQUIREMENT OF DEPOSIT (Rule 104).**

If the utility requires a cash deposit as a condition of providing service, then it shall immediately provide an explanation to the applicant or customer stating the precise reasons why a deposit is required. The applicant or customer shall be given an opportunity to rebut those reasons. In the event of a dispute, the applicant or customer shall be advised that an informal or formal complaint may be filed with the Commission. (3-20-04)

[Adopted as Rules 1.4 and 2.3, O.N. 14123; amended and combined, G.O. 177; amended, G.O. 208; amended, 31-2101-0301.]

Cross-Reference: Rules 005, 100, 101, 102, 301.

105. AMOUNT OF DEPOSIT (Rule 105).

01. Amount of Deposit. A deposit allowed pursuant to Rule 101 as a condition of service shall not exceed one-sixth (1/6) the amount of reasonably estimated billing for one (1) year at rates then in effect. Where gas service is used for space heating purposes only, the deposit shall not exceed the total of the two (2) highest months' bills during the previous twelve (12) consecutive months, adjusted for currently effective rates. Deposit amounts shall be based upon the use of service at the premises during the prior year or upon the type and size of equipment using the utility's service.

(4-2-08)

02. Installment Payments of Deposit. The utility shall advise the applicant or customer that the deposit may be paid in two (2) installments. One-half (1/2) of the deposit amount shall be due immediately with the remaining installment payable in one (1) month. (4-2-08)

[Adopted as Rules 1.5 and 2.4, O.N. 14123; amended and combined, G.O. 177; amended, 31-2101-0201; amended, 31-2101-0701.]

Cross-Reference: Rules 005, 100, 101.

106. INTEREST ON DEPOSITS (Rule 106).

01. Interest Payable. Interest will be payable on all deposited amounts at the rate provided by Subsection 106.02 of this rule. Interest will accrue from the date the deposit or deposit installment is made until the deposit is refunded or applied to the customer's utility bill; however, interest will not accrue on a deposit or deposit installment if: (7-1-93)

a. Service is terminated temporarily at the request of a customer who leaves the deposit with the utility for future use as a deposit; or (7-1-93)

b. Service has been permanently terminated and the utility has been unsuccessful in its attempt to refund a deposit. (7-1-93)

02. Interest Rate. On or before November 15 of each year, the Commission will determine the twelve month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the utilities of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 106.01 of this rule. (7-1-93)

[Adopted as Rules 1.6 and 2.5, O.N. 14123; amended, O.N. 21596; combined, G.O. 177.]

Cross-Reference: Rules 005, 101, 106, 107.

Historical Note: The following interest rates have been in effect since these rules were adopted:

Period	Interest Rate
May 1, 1980	- June 30, 1981 8%
July 1, 1981	- February 28, 1987 12%
March 1, 1987	- December 31, 1989 7%
January 1, 1990	- December 31, 1990 9%
January 1, 1991	- December 31, 1991 8%
January 1, 1992	- December 31, 1992 6%
January 1, 1993	- December 31, 1993 4%
January 1, 1994	- December 31, 1994 3%
January 1, 1995	- December 31, 1995 5%
January 1, 1996	- December 31, 1997 6%
January 1, 1998	- December 31, 1998 6%
January 1, 1999	- December 31, 1999 5%
January 1, 2000	- December 31, 2000 5%
January 1, 2001	- December 31, 2001 6%
January 2, 2002	- December 31, 2002 4%
January 1, 2003	- December 31, 2003 2%
January 1, 2004	- December 31, 2004 1%
January 1, 2005	- December 31, 2005 2%
January 1, 2006	- December 31, 2006 3%
January 2, 2007	- December 31, 2007 5%
January 1, 2008	- Forward 5%

107. RETURN OF DEPOSIT (Rule 107).

01. Former Customers. Upon termination of service, the deposit (with accrued interest) shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer. (3-20-04)

02. Existing Customers. If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the utility shall promptly return the deposit (with accrued interest) by either crediting the customer's current account or issuing a refund. (3-20-04)

03. Retention During Dispute. The utility may retain the deposit pending the resolution of a dispute over termination of service. If the deposit is later returned to the customer, the utility shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)

04. Early Return of Deposit. A utility may refund a deposit plus accrued interest in whole or in part at any time before the time prescribed in this rule. (7-1-93)

[Adopted as Rules 1.7 and 2.6, O.N. 14123; amended and combined, G.O. 177; amended, G.O. 208; amended, 31-2101-0301.]

Cross-Reference: Rules 005, 100, 101, 102, 106, 109, 401, 402.

108. TRANSFER OF DEPOSIT (Rule 108).

Deposits shall not be transferred from one customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same utility's service area, the deposit (with accrued interest) shall be either transferred to the account for the new location or credited to the customer's current account. (4-6-05)

[Adopted as Rules 1.8 and 2.7, O.N. 14123; amended and combined, G.O. 177; amended, 31-2101-0401.]

Cross-Reference: Rules 005, 101.

109. RECEIPT FOR DEPOSIT – RECORDS OF DEPOSIT (Rule 109).

01. Receipts. Each customer paying a deposit or the initial installment on a deposit shall then be given a receipt containing or otherwise be provided with the following information: (03-20-04)

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment(s); (7-1-93)
- c. Amount of payment(s); and (7-1-93)

d. Statement of the terms and conditions governing the return of deposits. An ordinary receipt may be given for subsequent deposit installments. (7-1-93)

02. Retention of Records. Each utility shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the original receipt(s) for the deposit. The utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer, the location of the premises occupied by the customer when the deposit is made and each successive location occupied by the customer while the deposit is retained, and the date(s) and amount(s) of the deposits or installments. The utility shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The utility shall retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (3-20-04)

03. Transfer of Records. Upon the sale or transfer of any utility or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made, and the amount of the deposit. (7-1-93)

[Adopted as Rules 1.9, 1.10, 2.8 and 2.9, O.N. 14123; amended, combined and recodified, G.O. 177; amended, 31-2101-0301.]

Cross-Reference: Rules 100, 101, 107, 108, 109.

Statutory Reference: *Idaho Code* § 14-531.

110. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (Rule 110).

01. Presumption of Abandonment. Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain utility service that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (4-6-05)

02. Financial Assistance Program. A utility may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the utility's low income and disadvantaged customers with payment of utility bills. The utility shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code.

(4-6-05)

[Adopted 31-2101-0401.]

Statutory Reference: *Idaho Code* § 14-508, 14-517, 14-531.

111.-- 199. (RESERVED).

RULES 200 THROUGH 299 – BILLING**200. FURTHER DEFINITION (Rule 200).**

As used in Rules 201 through 205, “bill” or “billing” refers to a written request for payment listing charges for services previously rendered or for services billed in advance that is mailed or otherwise delivered to the customer for payment. (7-1-93)

[Adopted, G.O. 177.]

Cross-Reference: Rules 005, 201, 202, 203, 204, 205.

201. ISSUANCE OF BILLS – CONTENTS OF BILLS (Rule 201).

Bills shall be issued on a regular basis. Bills must contain the following information: (3-30-01)

01. The Billing Date. (7-1-93)

02. The Time Period Covered by the Bill. (7-1-93)

03. Metered Service Billing. If metered service is the basis for billing, the beginning and ending meter readings, where the bill is based on actual readings, or a clearly marked statement that the bill is estimated, if the meter was not actually read, and the quantity of service provided, when applicable.

(7-1-93)

04. Billing Comparisons. Comparisons of current and previous consumptions, when required by IDAPA 31.21.02.103. (7-1-93)

05. The Due Date of the Bill. (7-1-93)

06. Itemization of All Charges. An itemization of all charges, both recurring and nonrecurring. (7-1-93)

07. Any Amount Transferred from Another Account. (7-1-93)

08. Any Amounts Past Due. (7-1-93)

09. Payments or Credits. Any payments or credits applied to the customer’s account since the last bill. (7-1-93)

10. The Total Amount Due. (7-1-93)

11. Address and Telephone Number. The mailing address and toll-free telephone number(s) available to customers in the service territory for answering billing inquiries.(3-30-01)

[Adopted, G.O. 177; amended, G.O. 208.]

Cross-Reference: Rules 200, 202; IDAPA 31.21.02.103.

202. DUE DATE OF BILLS – DELINQUENT BILLS (Rule 202).

01. Ordinary Due Date. The utility may require that bills for service be paid within a specified time after the billing date. The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery, if bills are mailed or delivered more than three (3) days after the billing date.) Upon the expiration of this time without payment, the bill may be considered delinquent. (7-1-93)

02. Hardship Exemption. When a residential customer certifies in writing to the utility that payment by the ordinary due date creates a hardship due to the particular date when the customer receives funds, the due date shall be extended up to an additional fifteen (15) days or at the option of the utility the customer shall be billed in a cycle that corresponds to the customer's receipt of funds. (7-1-93)

[Adopted as part of Rule 3.1, O.N. 14123; amended and recodified, G.O. 177.]

Cross-Reference: Rules 005, 200, 201.

203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (Rule 203).

01. Rebilling Required. If a customer was billed under an inappropriate tariff schedule, the utility shall recalculate the customer's past billings and correctly calculate future billings based on the appropriate tariff schedule. A customer has been billed under an inappropriate tariff schedule if: (7-1-93)

a. The customer was billed under a tariff schedule for which the customer was not eligible; or (7-1-93)

b. The customer was billed under a tariff schedule based upon information supplied by the customer but the customer's actual demand is insufficient to meet the minimum eligibility requirements for the selected tariff schedule; or (4-2-08)

c. The customer, who is eligible for billing under more than one (1) tariff schedule, was billed under a schedule contrary to the customer's election, or the election was based on erroneous information provided by the utility. (7-1-93)

02. Exceptions. The utility shall not be required to adjust billings when it has acted in good faith based upon available information or when the customer was given written notice of options under the tariff schedules and did not make a timely election to exercise available options. (7-1-93)

03. Rebilling Time Period. When the customer has been overcharged, the period for rebilling shall not exceed three (3) years as provided by Section 61-642, Idaho Code. When the customer has been undercharged, the period for rebilling shall be limited to six (6) months unless a reasonable person should have known of the inappropriate billing, in which case the rebilling period may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who may be billed under an inappropriate tariff schedule.

(4-2-08)

04. Refunds and Additional Payments. The utility shall promptly prepare a corrected billing indicating the refund due the customer or the amount due the utility. (4-2-08)

a. A customer who has been undercharged shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the undercharge accrued. (4-2-08)

b. The utility shall promptly calculate refund amounts overpaid by the customer and issue a credit on the customer's next bill. Any remaining credit balance may be credited against future bills, unless the customer, after notice from the utility, requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. (4-2-08)

[Adopted as Rule 8.1, O.N. 17744; amended and recodified, G.O. 177; amended, 31-2101-0701.]

Statutory Reference: *Idaho Code* § 61-642.

Cross-Reference: Rules 005, 200, 204, 313.

204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE – FAILURE TO BILL FOR SERVICE (Rule 204).

01. Errors in Preparation – Malfunctions – Failure to Bill. Whenever the billing for utility service was not accurately determined for reasons such as a meter malfunctioned or failed, bills were estimated, metering equipment was incorrectly installed or programmed, or bills were inaccurately prepared, the utility shall prepare a corrected billing. If the utility has failed to bill a customer for service, the utility shall prepare a bill for the period during which no bill was provided. (4-2-08)

02. Rebilling Time Period. (4-2-08)

a. If the time when the malfunction or error began or the time when the utility began to fail to bill for service cannot be reasonably determined to have occurred within a specific billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the malfunction, error, or failure to bill. (4-2-08)

b. If the time when the malfunction, error, or failure to bill began can be reasonably determined and the utility determines the customer was overcharged, the corrected billings shall go back to that time, but not to exceed three (3) years from the time the error or malfunction occurred as provided by Section 61-642, Idaho Code. (4-2-08)

c. If the time when the malfunction or error can be reasonably determined and the utility determines the customer was undercharged, the utility may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who have not been billed or who have been inaccurately billed. (4-2-08)

03. Refunds. The utility shall promptly prepare a corrected billing indicating the refund due to the customer and issue a credit on the customer's next bill. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the utility, requests a refund. The utility shall advise the customer of the option to have any remaining credit balance refunded to the customer. (4-2-08).

04. Additional Payments. The utility shall promptly prepare a corrected billing for a customer who has been undercharged indicating the amount owed to the utility. An unbilled or undercharged customer shall be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. (4-2-08)

[Adopted as Rule 8.2 and 8.3, O.N. 17744; amended and recodified, G.O. 177.]

Statutory Reference: *Idaho Code* § 61-642.

Cross-Reference: Rules 005, 203, 313.

205. (RESERVED).

206. RESPONSIBILITY FOR PAYMENT OF BILLS – RESIDENTIAL CUSTOMERS (Rule 206).

01. Customer Defined. For purposes of this rule, "customer" means a customer whose name appears on the utility's regular bill for residential service or who signed a written application for service or other document informing the customer that he or she was assuming an obligation for payment for service. (7-1-93)

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount owed by any person who resides at the customer's premises or is a member of the

customer's household, but whose name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer signs a written agreement to pay or otherwise expressly accepts responsibility for payment of the other person's bill; or (3-20-04)

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. Customer Notice. The utility shall provide written notice of its intent to add to the customer's bill for current service an amount owed for: (3-20-04)

a. Another person's bill; or (3-20-04)

b. Service rendered at a former service location, provided that the lapse in service exceeds sixty (60) calendar days. (3-30-04)

04. Contents of Notice. The notice must include: (3-20-04)

a. The name of the customer of record who owes the bill amount; (7-1-93)

b. The service location involved; (7-1-93)

c. The time over which the bill amount was accumulated; (3-20-04)

d. The amount owed; (7-1-93)

e. The reason(s) for adding the bill amount to the customer's bill statement;(3-20-04)

f. A statement that payment arrangements may be made on the amount owed; (7-1-93)

g. A statement that the customer has the right to contest the utility's proposed action with the utility or the Commission; and (3-20-04)

h. The response deadline after which the bill amount will be added to the customer's bill statement. (3-20-04)

05. Opportunity to Respond. The customer shall be given a minimum of seven (7) calendar days from the date of the proposed action to respond to the utility's notice. (3-20-04)

[Adopted, G.O. 177; amended, 31-2101-0301.]

Cross-Reference: Rule 200.

207. BILLING PROHIBITED (Rule 207).

No utility shall bill for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be

removed from the customer's bill no later than two (2) billing cycles following notice by the customer to the utility. A utility that unknowingly submits a bill containing charges for non-utility service(s) or merchandise not ordered or otherwise authorized by the customer of record shall not be considered in violation of Rule 207 if the disputed amounts are removed from the customer's bill.

(3-30-01)

[Adopted, G.O. 208.]

208. -- 299. (RESERVED).

**RULES 300 THROUGH 400 – DENIAL AND TERMINATION OF SERVICE AND
PAYMENT ARRANGEMENT RULES FOR RESIDENTIAL AND SMALL
COMMERCIAL CUSTOMERS**

300. FURTHER DEFINITIONS (Rule 300).

As used in Rules 301 through 313:

(7-1-93)

01. Applicant. "Applicant" is restricted from its general definition to refer only to applicants for residential or small commercial service, unless further restricted by the rule.

(7-1-93)

02. Customer. "Customer" is restricted from its general definition to refer only to residential or small commercial customers, unless further restricted by the rule.

(7-1-93)

03. Non-Utility Service. "Non-utility service" means:

(7-1-93)

a. Service for which the Commission does not regulate rates, charges, or availability of service;

(7-1-93)

b. Service for which no rate or charge is contained in the utility's tariffs; or

(7-1-93)

c. Merchandise or equipment or charges for merchandise or equipment not required as a condition of receiving utility service.

(7-1-93)

04. Written Notice. "Written notice" of the utility's intent to deny or terminate service may be mailed or otherwise delivered to the applicant, resident, occupant, or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to "opt-in" to receiving electronic notification.

(4-2-08)

[Adopted, G.O. 177; amended, G.O. 208; amended, 31-2101-0701.]

Cross-Reference: Rules 005, 100, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313.

301. EXPLANATION FOR DENIAL OF SERVICE TO APPLICANT (Rule 301).

01. Explanation to Applicant. If the utility intends to deny service to an applicant under Rule 302, the utility shall provide an explanation to the applicant stating the reasons for the utility's refusal to serve. The applicant shall be advised of what action(s) must be taken to receive service. In the event of a dispute, the applicant shall be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (3-20-04)

02. Written Notice. If service is currently being provided to the premises occupied by an applicant, the utility shall provide written notice of its refusal to serve pursuant to Rule 312. (3-20-04)

[Adopted, G.O. 177; amended, 31-2101-0301.]

Reference to Rules of Procedure: IDAPA 31.01.01.055.

Cross-Reference: Rules 104, 300, 302, 303, 312, 401, 402, 403.

302. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (Rule 302).

A utility may deny or terminate service to a customer or applicant without the customer's or applicant's permission, but only after adequate notice has been given in accordance with these rules, for one or more of the following reasons: (7-1-93)

01. Failure to Pay. With respect to undisputed past due bills the customer or applicant: (3-20-04)

a. Failed to pay; (3-20-04)

b. Paid with a dishonored check; or (3-20-04)

c. Made an electronic payment drawn on an account with insufficient funds. (3-20-04)

02. Failure to Make Security Deposit. The customer or applicant failed to make a security deposit or make an installment payment on a deposit where it is required. (3-30-01)

03. Failure to Abide by Terms of Payment Arrangement. The customer or applicant failed to abide by the terms of a payment arrangement. (3-30-01)

04. Identity Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. Denial of Access to Meter. The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. Willful Waste of Service. The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

07. Service to Minors. The applicant or customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-20-04)

08. Previous Account Balance Owning. Nothing in this rule requires the utility to connect service for a customer or applicant who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. (4-2-08)

[Adopted as Rule 3.1, O.N. 14123; amended and recodified, G.O. 177; amended, G.O. 177B; amended, G.O. 208; amended, 31-2101-0301; amended, 31-2101-0701.]

Statutory Reference: *Idaho Code* §§ 29-101, 32-101.

Cross-Reference: Rules 101, 205, 300, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401.

303. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (Rule 303).

A utility may deny or terminate service without prior notice to the customer or applicant and without the customer's or applicant's permission for one or more of the following reasons: (7-1-93)

01. Dangerous Conditions. A condition immediately dangerous or hazardous to life, physical safety, or property exists, or if necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

02. Order to Terminate Service. The utility is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)

03. Illegal Use of Service. The service is obtained, diverted or used without the authorization or knowledge of the utility. (7-1-93)

04. Unable to Contact Customer. The utility has tried diligently to meet the notice requirements of Rule 304, but has been unsuccessful in its attempts to contact the customer affected. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177.]

Cross-Reference: Rules 300, 301, 302, 304, 306, 312, 401.

304. REQUIREMENTS FOR NOTICE TO CUSTOMERS BEFORE TERMINATION OF SERVICE (Rule 304).

01. Initial Notice. If the utility intends to terminate service to a customer under Rule 302, the utility shall send to the customer written notice of termination mailed at least seven (7)

calendar days before the proposed date of termination. This written notice shall contain the information required by Rule 305. (3-20-04)

02. Final Notice. The utility may mail a final written notice to the customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours before the proposed date of termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This final notice shall contain the same information required by Rule 305.

(3-20-04)

03. Additional Notice. If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility shall again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (3-20-04)

04. Failure to Pay. No additional notice of termination is required if, upon receipt of a termination notice, the customer: (3-20-04)

- a. Makes a payment arrangement and subsequently fails to keep that arrangement; (3-20-04)
- b. Tenders payment with a dishonored check; or (3-20-04)
- c. Makes an electronic payment drawn on an account with insufficient funds. (3-20-04)

[Adopted as Rule 3.2, O.N. 14123; amended, O.N. 15025; amended, O.N. 15717; amended and recodified, G.O. 177; amended, G.O. 208; amended, 31-2101-0301.]

Cross-Reference: Rules 300, 302, 305, 304, 306, 307, 308, 309, 310, 311, 312, 313.

305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (Rule 305).

01. Contents of Notice. The written or oral notice of intent to terminate service required by Rule 304 shall state: (4-11-06)

- a. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (4-11-06)
- b. Actions the customer may take to avoid termination of service; (4-11-06)
- c. That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308; (4-11-06)
- d. That an informal or formal complaint concerning termination may be filed with the

utility or the Commission, and that service will not be terminated on the ground relating to the dispute between the customer and the utility before resolution of the complaint (the Commission's address and telephone number must be given to the customer); and (4-11-06)

e. That the utility is willing to make payment arrangements (this statement must be in bold print on written notices). (4-11-06)

f. That for purposes of termination, partial payments will be applied toward utility service charges first, unless the customer requests otherwise, and that charges for non-utility services cannot be used as a basis for termination. (4-11-06)

02. Additional Requirements for Gas and Electric Utilities. During the months of November, December, January and February, oral and written notices provided by gas and electric utilities to residential customers shall include or be accompanied by an explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306. (4-11-06)

[Adopted as part of Rule 3.2, O.N. 14123; amended and recodified, G.O. 177; amended, G.O. 208; amended, 31-2101-0402.]

Cross-Reference: Rules 300, 302, 304, 306, 307, 308, 309, 312.

306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE – WINTER PAYMENT PLAN (Rule 306).

01. Restrictions on Termination of Service to Households with Children, Elderly, or Infirm. Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of December through February to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. (7-1-93)

02. Definitions for This Rule. For purposes of this rule: (7-1-93)

a. "Children" means persons eighteen (18) years of age or younger, but customers who are emancipated minors are not children under this rule. (4-11-06)

b. "Elderly" means persons sixty two (62) years of age or older. (4-11-06)

c. "Infirm" means persons whose physical health or safety would be seriously impaired by termination of utility service. (4-11-06)

03. Opportunity to Participate in Winter Payment Plan. Any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons shall be offered the opportunity to establish a Winter Payment

Plan. However, no customer may be required to establish such a plan. Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan. (4-11-06)

04. Amount of Payments Under Winter Payment Plan. Monthly payments under a Winter Payment Plan are equal to one-half (1/2) of the Level Pay Plan amount for that customer. The Level Payment Plan amount shall be calculated according to Rule 313.06. (4-11-06)

05. Payment Arrangements Following Winter Payment Plan. If a customer who received the protection of this rule has an outstanding balance owed to the utility, the customer shall either pay this balance or negotiate a new payment arrangement: (4-11-06)

a. On or after March 1, if the customer has not established a Winter Payment Plan; or (7-1-93)

b. On or after April 1, if the customer has established a Winter Payment plan. Failure of a customer to pay or make payment arrangements on or after these dates may result in termination of service. (7-1-93)

06. Successive Participation in Winter Payment Plan. A residential customer who participates in a Winter Payment Plan one (1) year shall be allowed to participate in the succeeding year if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed seventy-five dollars (\$75) or the customer's utility bill for the previous thirty (30) days, whichever is greater. (4-11-06)

07. Unoccupied Residences - Failure or Refusal to Apply for Service. Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. (4-11-06)

08. Customers Who Move. During the months of December, January and February, a gas or electric utility shall continue to provide service to any residential customer who made a declaration as provided for in Subsection 306.01 and subsequently moves to a new residence served by the same utility, regardless of any outstanding balance owed by the customer. If service is not connected at the new residence, service shall be connected as soon as possible after the customer

requests service at the new residence. (4-11-06)

09. Applicants Previously Served. During the months of December, January and February, a gas or electric utility shall provide service to any residential applicant who made a declaration as provided for in Subsection 306.01 and within thirty (30) days of discontinuing service, subsequently applies for service at a new residence served by the same utility, regardless of any outstanding balance owed by the applicant. If service is not connected at the new residence, service shall be connected as soon as possible after the applicant requests service at the new residence.

(4-11-06)

[Adopted, G.O. 177; amended, G.O. 177A; amended, G.O. 208; amended, 31-2101-0402.]

Cross-Reference: Rules 005, 300, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313.

307. THIRD-PARTY NOTIFICATION – RESIDENTIAL SERVICE (Rule 307).

Each gas or electric utility shall provide a program for its residential customers known as Third-Party Notification. Under this program, the utility will, at the request of the customer, notify orally or in writing a third-party designated by the customer of the utility's intention to terminate service. The third-party will be under no obligation to pay the bill, but as provided in Rule 313.08, no customer can be considered to have refused to enter a payment arrangement unless either the customer or the designated third-party has been given notice of the proposed termination of service and of the customer's opportunity to make payment arrangements.

(7-1-93)

[Adopted as Rule 3.2A, O.N. 15025; amended, O.N. 15344; amended and recodified, G.O. 177.]

Cross-Reference: Rules 300, 302, 303, 304, 305, 306, 313, 701.

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (Rule 308).

01. Medical Certificate – Postponement of Termination of Service. A utility shall postpone termination of utility service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information:

(3-20-04)

a. A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service, and that termination of utility service would adversely affect the health of that customer, member of the customer's family, or resident of the household.

(3-20-04)

b. The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer, and

(3-20-04)

c. The name, title, and signature of the person certifying the serious illness or medical emergency. (3-20-04)

02. Restoration of Service. If service has already been terminated when the medical certificate is received, service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive service for thirty (30) calendar days from the utility's receipt of the certificate. (3-20-04)

03. Second Postponement. The utility may postpone termination of service upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (7-1-93)

04. Verification of Medical Certificate. The utility may verify the authenticity of the certificate and may refuse to delay termination of service if it is determined that the certificate is a forgery or is otherwise fraudulent. (7-1-93)

05. Obligation to Pay. Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (3-20-04)

[Adopted as part of Rule 3.4, O.N. 14123; amended, O.N. 15025; amended and recodified, G.O. 177; amended, 31-2101-0301.]

Cross-Reference: Rules 300, 304, 306.

309. MEDICAL FACILITIES – SHELTER CARE (Rule 309).

Where service is provided to a customer known to the utility to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents. (7-1-93)

[Adopted as part of Rule 3.4, O.N. 14123; amended, O.N. 15025; amended and recodified, G.O. 177.]

Cross-Reference: Rules 300, 301, 302, 303, 304, 305, 311, 605.

310. INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (Rule 310).

01. Termination of Service. No customer shall be given notice of termination of service nor shall the customer's service be terminated if: (4-2-08)

a. The customer's unpaid bill cited as grounds for termination totals less than fifty dollars (\$50) or two (2) months' charges for service, whichever is less. (4-2-08)

- b. The unpaid bill is for utility service to any other customer (unless that customer has a legal obligation to pay the other customer's bill) or for any other class of service. (4-2-08)
- c. The unpaid bill results from the purchase of non-utility goods or services. (4-2-08)
- d. The unpaid bill is for service provided four (4) or more years ago unless the customer has promised in writing to pay or made a payment on the bill within the last four (4) years.(4-2-08)
- e. The customer fails to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission. (4-2-08)
- f. A case placing at issue payment of disputed amounts for utility service is pending before a court in the state of Idaho unless authorized by court order. (4-2-08)

02. Denial of Service. No applicant shall be given notice of denial nor shall the applicant be denied service if any of the criteria listed in Subsection 310.01.b. through 310.01.f. apply to the unpaid bill cited as grounds for denial of service. (4-2-08)

[Adopted as Rule 3.5, O.N. 14123; amended and recodified, G.O. 177; amended, 31-2101-0701.]

Cross-Reference: Rules 103, 300, 301, 302, 304, 306.

311. TIMES WHEN SERVICE MAY BE TERMINATED – OPPORTUNITY TO AVOID TERMINATION OF SERVICE (Rule 311).

01. When Termination of Service Is Prohibited. Except as authorized by Rule 303 or this rule, service provided to a customer, applicant, resident or occupant shall not be terminated: (4-2-08)

- a. On any Friday, Saturday, Sunday, legal holidays recognized by the state of Idaho, or on any day immediately preceding any legal holiday; or (4-2-08)
- b. At any time when the utility is not open for business. (4-2-08)

02. Times When Service May Be Terminated. Service may be terminated: (4-2-08)

- a. At any time when there is a dangerous condition pursuant to Rule 303.01 or the utility is ordered to do so pursuant to Rule 303.02; (4-2-08)
- b. Between the hours of 8 a.m. and 5 p.m., Monday through Thursday, for any reason authorized by Rules 302 and 303; (4-2-08)
- c. Between the hours of 8 a.m. and 5 p.m. on Friday for illegal use of service pursuant to Rule 303.03 or if the premises are unoccupied and service has been abandoned; or (4-2-08)

d. Between the hours of 5 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the meter during normal business hours or for illegal use of service pursuant to Rule 303.03. (4-2-08)

03. Personnel to Authorize Reconnection. Each utility shall have personnel available who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and reconnection is requested. (4-2-08)

04. Opportunity to Prevent Termination of Service. Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises. (4-2-08)

05. Notice of Procedure for Reconnecting Service. The utility employee designated to terminate service shall give to the customer or leave in a conspicuous location at the affected service address, a notice showing the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (4-2-08)

06. Customer Requested Termination. Nothing in this rule prohibits a utility from terminating service at any time pursuant to a customer's request. (4-2-08)

[Adopted as Rule 3.6, O.N. 14123; amended, O.N. 17744; amended and recodified, G.O. 177; amended, 31-2101-0201; amended, 31-2101-0402; amended, 31-2101-0701.]

Cross-Reference: Rules 300, 301, 302, 303, 304, 305, 306, 308, 309, 402.

312. DENIAL OR TERMINATION OF SERVICE TO MASTER-METERED ACCOUNTS AND RESIDENTS OR OCCUPANTS WHO ARE NOT CUSTOMERS (Rule 312).

01. Notice to Occupants or Residents Not Customers. Except as provided in Rules 303.01 and 303.02, no utility shall deny or terminate service without providing written notice to the residents or occupants of: (3-20-04)

- a.** A building or mobile home court where service is master-metered; (3-20-04)
- b.** A residence where the customer billed for service is not a resident or occupant of the premises being served; or (3-20-04)
- c.** Premises where service is being provided on an interim basis to a resident or occupant following a customer's request to terminate service. (3-20-04)

02. Delivery and Contents of Notice. The utility must notify the residents or occupants of its intent to deny or terminate service at least two (2) calendar days, excluding weekends and holidays, before the proposed date of termination. The notice should be delivered to the premises or, in the case of multi-occupant buildings or mobile home parks, posted in common areas or a conspicuous location. The notice shall state: (3-20-04)

- a.** The date of the notice; (7-1-93)
- b.** The proposed denial or termination date; (3-20-04)
- c.** The reason for denial or termination; (3-20-04)
- d.** What action(s) the resident(s) or occupant(s) must take in order to obtain or retain service in the resident's(s') or occupant's(s') own name(s); and (3-20-04)
- e.** That an informal or formal complaint concerning denial or termination of service may be filed with this Commission. (3-20-04)

[Adopted, G.O. 177; amended, 31-2101-0301.]

Cross-Reference: Rules 005, 300, 302, 303, 304, 305, 306; 31.26.01.101, 31.26.01.102, 31.26.01.103.

313. PAYMENT ARRANGEMENTS (Rule 313).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the utility shall continue to serve the customer if the customer and the utility agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill shall be paid. For customers who are unable to come to the utility's local office to make payment arrangements, a gas or electric utility must, upon request by the customer, make payment arrangements over the telephone, by mail or at the customer's home. (7-1-93)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the utility will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history, and the amount of time and reasons why the debt is outstanding.

(7-1-93)

03. Application of Payment. Unless the customer designates otherwise, payments are to be first applied to the undisputed balance owed by the customer for utility services and associated installation charges, taxes, franchise fees and surcharges.

(3-30-01)

04. Second Arrangement. If a customer fails to make the payment agreed upon by the date that it is due, the utility may, but is not obligated to, enter into a second such agreement.

(7-1-93)

05. When Arrangement Not Binding. No payment arrangement shall be binding upon a customer if it requires the customer to forego any right provided for in these rules.

(7-1-93)

06. Level Pay Plans Acceptable Payment Arrangement. Payment arrangements may be in the form of a Level Pay Plan that will equalize monthly payments of all arrears, if any, and anticipated future bill amounts over a period of not less than one (1) year. No customer agreeing to a reasonable payment arrangement is required to choose this plan.

(7-1-93)

07. Third-Party Contact. If a utility has been unable to contact a customer concerning termination, but has contacted the customer's third-party designated under Rule 307 and has failed to receive a response from the customer within seven (7) days after the third-party was contacted, the utility may treat the customer as one who has been contacted and has declined to enter into a reasonable payment arrangement.

(7-1-93)

[Adopted as part of Rule 3.2 and as Rule 3.7, O.N. 14123; amended, O.N. 15025; amended, O.N. 15717; amended and recodified, G.O. 177; amended, G.O. 208.]

Cross-Reference: Rules 300, 301, 302, 304, 306, 307, 308, 701.

314. – 400. (RESERVED).

RULES 401 THROUGH 499 – COMPLAINT PROCEDURE

401. COMPLAINT TO UTILITY (Rule 401).

01. Subject Matter. A customer or applicant for service may complain at any time to the utility about any deposit or written guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding utility services, policies and practices. The customer or applicant may request a conference with the utility, but this

provision does not affect any statute of limitation that might otherwise apply. Complaints to the utility may be made orally or in writing. A complaint is considered filed upon receipt by the utility. In making a complaint or request for conference, the customer or applicant shall state the customer's or applicant's name, service address, and the general nature of the complaint. (7-1-93)

02. Conference. Upon receiving each complaint or request for conference, the utility shall promptly, thoroughly and completely investigate the complaint, confer with the customer or applicant when requested, and notify the customer or applicant of the results of the investigation and make a good-faith attempt to resolve the complaint. The oral or written notification shall advise the customer or applicant that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. (7-1-93)

03. Service Maintained. The utility shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177.]

Cross-Reference: Rules 100, 101, 103, 302, 303, 402, 403.

402. REVIEW BY COMMISSION (Rule 402).

01. Informal Review. If a customer or applicant who has complained to a utility is dissatisfied with a utility's proposed disposition of the complaint, the customer or applicant may request the Commission to informally review the disputed issue and the utility's proposed disposition of the complaint. (7-1-93)

02. Procedure on Review. The Commission will process these requests as informal complaints pursuant the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Utility service shall not be terminated nor termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute, including current utility bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer. (7-1-93)

03. Customer's Rights Protected. No customer or applicant shall be denied the opportunity to file a complaint with the Commission. (7-1-93)

04. Formal Complaints. Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177.]

Cross-Reference: Rules 401, 403; IDAPA 31.01.01.000.

403. RECORD OF COMPLAINTS (Rule 403).

01. Recordkeeping. Each utility must keep a written record of complaints and requests for conferences pursuant to Rules 401 and 402. These records must be retained for a minimum of one (1) year at the office of the utility where the complaints were received or conferences held. These written records are to be readily available upon request by the concerned customer, the customer's agent possessing written authorization, or the Commission. The records must show whether the customer or applicant was advised as required by Rule 401.02 that the customer or applicant may request the Commission to review the utility's proposed disposition of the complaint. (4-2-08)

02. Reporting. Each utility must, at the Commission's request, submit a report to the Commission that states and classifies the number of complaints made to the utility pursuant to Rules 401 and 402, the general nature of their subject matter, how received (in person, by letter, etc.), and whether a Commission review was conducted. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177; amended, 31-2101-0701.]

Cross-Reference: Rules 401, 402.

404. RESPONSES TO INFORMAL COMPLAINTS (Rule 404).

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, utilities must either respond orally or in writing to the Commission. A utility will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (3-30-01)

[Adopted, G.O. 208.]

405. – 499. (RESERVED).

500. – 599. (RESERVED).

RULES 600 THROUGH 700 – RULES FOR DEPOSIT, DENIAL, AND TERMINATION OF SERVICE FOR INDUSTRIAL, LARGE COMMERCIAL AND IRRIGATION CUSTOMERS

600. DEFINITIONS (Rule 600).

As used in Rules 601 through 605. (7-1-93)

01. Advance Payment. “Advance payment” means a payment made prior to receiving service that will be credited to the customer’s account at a later date. (7-1-93)

02. Applicant. “Applicant” means an applicant for industrial, large commercial or irrigation service. (7-1-93)

03. Customer. “Customer” means an industrial, large commercial or irrigation customer, unless further restricted by the rule. The Commission will maintain on file a list of which customer classes of a given utility are industrial, large commercial, and irrigation. (7-1-93)

04. Deposit. “Deposit” means any payment held as security for future payment or performance that is reimbursable. (7-1-93)

05. Written Notice. “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. (4-2-08)

[Adopted, G.O. 177; amended, 31-2101-0701.]

Cross-Reference: Rules 005, 601, 602, 603, 604, 605.

601. DEPOSIT REQUIREMENTS AND ADVANCE PAYMENTS (Rule 601).

An applicant or customer may be required to pay a deposit or make an advance payment in accordance with the utility’s tariff filed with the Commission. If an applicant or customer has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, as amended, and, in particular, 11 U.S.C. 366, or as directed by the state court. (7-1-93)

[Adopted, G.O. 177.]

Cross-Reference: Rules 101, 600.

Federal Statutory Reference: 11 U.S.C. § 366.

602. GROUNDS FOR DENIAL OR TERMINATION OF SERVICE WITH PRIOR NOTICE (Rule 602).

A utility may deny or terminate service to an industrial, large commercial or irrigation customer without its permission, but only after adequate notice has been given in accordance with these rules, for one or more of the following reasons: (7-1-93)

01. Failure to Pay Undisputed Bill. The customer or applicant did not pay undisputed delinquent bills or paid a delinquent bill with any check not honored by the bank. (7-1-93)

02. Failure to Pay Deposit. The customer or applicant failed to make a required advance payment, pay a deposit or provide an acceptable guarantee, when required by the applicable tariff or contract.
(7-1-93)

03. The Customer or Applicant Failed to Comply with a Payment Arrangement.
(7-1-93)

04. Identity Misrepresentation. The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining utility service. (7-1-93)

05. Denial of Access to Meter. The customer or applicant denied or willfully prevented the utility's access to the meter. (7-1-93)

06. Willful Waste of Service. The utility determines as prescribed by relevant State or other applicable standards that the customer is willfully wasting service through improper equipment or otherwise. (7-1-93)

07. Failure to Apply for Service. The customer or applicant failed to apply for service with the utility. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177; amended, G.O. 177B.]

Cross-Reference: Rules 600, 602, 603.

603. REQUIREMENTS FOR AND CONTENTS OF NOTICE BEFORE TERMINATION OF SERVICE (Rule 603).

01. Initial Notice. If the utility intends to terminate service under Rule 601, the utility shall send to the customer written notice of termination mailed at least seven (7) calendar days prior to the proposed date of termination. (3-20-04)

02. Contents of Notice. The written notice of termination shall state: (3-20-04)

a. The reason(s), citing these rules, why service will be terminated, and the proposed date of termination; (3-20-04)

b. Actions the customer may take to avoid termination; (7-1-93)

c. That an informal or formal complaint concerning the termination may be filed with this Commission; and (7-1-93)

d. That service will not be terminated prior to the resolution of such a filed complaint (if the resolution is in favor of the utility, the Commission shall set the date of termination). (7-1-93)

03. Final Notice. The utility may mail a final written notice to customers at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. Regardless of whether the utility elects to mail a written notice, at least twenty-four (24) hours prior to actual termination, the utility shall diligently attempt to contact the customer affected, either in person or by telephone, to apprise the customer of the proposed action. This final notice shall contain the same information required above for written notice. Each utility shall maintain clear, written records of oral notices, showing dates and the utility employee giving the notices.

(3-20-04)

[Adopted, O.N. 14123; amended, G.O. 177; amended, 31-2101-0301.]

Cross-Reference: Rules 600, 601, 602.

604. GROUNDS FOR TERMINATION OF SERVICE WITHOUT PRIOR NOTICE (Rule 604).

A utility may terminate service without prior notice to the customer as specified in Rule 602 only: (7-1-93)

01. Dangerous Conditions. If a condition immediately dangerous or hazardous to life, physical safety, or property exists, or if necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

02. Order to Terminate. Upon order by any court, the Commission, or any other duly authorized public authority. (7-1-93)

03. Illegal Use of Utility. If such service is obtained, diverted or used without the authorization or knowledge of the utility. (7-1-93)

04. Unable to Contact Customer. If the utility has tried diligently to meet the notice requirements of Rule 602, but has been unsuccessful in its attempt to contact the customer. (7-1-93)

[Adopted, O.N. 14123; amended, G.O. 177.]

Cross-Reference: Rules 600, 601, 602.

605. NOTICE TO COMMISSION PRIOR TO TERMINATION (Rule 605).

No industrial or large commercial customer shall have its service terminated unless the Commission is given written notice seven (7) days before the termination. The Commission may stay termination of service upon its finding that the public interest requires service to be maintained to the customer.

(7-1-93)

[Adopted, G.O. 177.]

Cross-Reference: Rules 309, 600.

606. – 700. (RESERVED).**RULES 701 THROUGH 800 – SUMMARY OF CUSTOMER RULES****701. SUMMARY OF RULES (Rule 701).**

01. Summary to Be Provided to Customers. Each utility shall provide to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. (4-11-06)

02. Contents of Summary. The summary shall include the following information: (4-11-06)

- a.** An explanation of the conditions under which the utility may request a deposit; (4-11-06)
- b.** An explanation of the conditions under which the utility may deny or terminate service; (4-11-06)
- c.** An explanation of how termination of service may be postponed due to serious illness or medical emergency (residential customers only); (4-11-06)
- d.** A statement of the utility's willingness to make payment arrangements to assist customers having difficulty paying their utility bills; (4-11-06)
- e.** An explanation of how to file a complaint with the utility and the Commission; and (4-11-06)
- f.** A statement that termination of service is prohibited while a complaint is pending with the Commission or with a court in the State of Idaho. (4-11-06)

03. Summary for Gas and Electric Customers. The summary provided by a gas or electric utility also shall include the following information: (4-11-06)

- a.** An explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306 (residential customers only). (4-11-06)
- b.** An explanation of the Third Party Notification Program described in Rule 307

(residential customers only); and (4-11-06)

- c. An explanation of the availability of the Level Pay Plan described in Rule 313. (4-11-06)

04. Model Summaries. Model Rules Summaries, including Spanish language translations for residential customers, shall be provided by the Commission to utilities and other interested parties upon request. (4-11-06)

[Adopted, O.N. 14123; amended, O.N. 15025; amended, G.O. 177; amended, 31-2101-0402.]

Cross-Reference: Rules 005, 307, 311.

702. – 999. (RESERVED).

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